

AMENDMENTS

2015—Subsec. (a)(3). Pub. L. 114–27, §105(a), designated existing provisions as subpar. (A), inserted heading, and added subpar. (B).

Subsec. (b)(2)(C). Pub. L. 114–27, §104(a), added subpar. (C).

Subsec. (b)(3). Pub. L. 114–27, §104(b), added par. (3).

Subsecs. (c), (d). Pub. L. 114–27, §105(b), added subsec. (c) and redesignated former subsec. (c) as (d).

Subsecs. (d), (e). Pub. L. 114–27, §105(c), added subsec. (d) and redesignated former subsec. (d) as (e).

2004—Subsec. (b)(2)(B). Pub. L. 108–274, §7(a)(2)(A), inserted “or former beneficiary sub-Saharan African countries” after “countries”.

Subsec. (c). Pub. L. 108–274, §7(a)(2)(B), substituted “subchapter—” for “subchapter,” inserted par. (1) designation before “the terms”, and added par. (2).

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114–27, title I, §104(d), June 29, 2015, 129 Stat. 365, provided that: “The amendments made by subsections (a) and (b) [amending this section] take effect on the date of the enactment of this Act [June 29, 2015] and apply with respect to any article described in section 503(b)(1)(B) through (G) of the Trade Act of 1974 [19 U.S.C. 2463(b)(1)(B) through (G)] that is the growth, product, or manufacture of a beneficiary sub-Saharan African country and that is imported into the customs territory of the United States on or after the date that is 30 days after such date of enactment.”

[For definition of “beneficiary sub-Saharan African country” as used in section 104(d) of Pub. L. 114–27, set out above, see section 112 of Pub. L. 114–27, set out as a note under section 3701 of this title.]

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE

Pub. L. 114–27, title I, §104(c), June 29, 2015, 129 Stat. 365, provided that: “The President may proclaim such modifications as may be necessary to the Harmonized Tariff Schedule of the United States (HTS) to add the special tariff treatment symbol ‘D’ in the ‘Special’ subcolumn of the HTS for each article classified under a heading or subheading with the special tariff treatment symbol ‘A’ or ‘A*’ in the ‘Special’ subcolumn of the HTS.”

EX. ORD. NO. 13720. DELEGATION OF CERTAIN AUTHORITIES AND ASSIGNMENT OF CERTAIN FUNCTIONS UNDER THE TRADE PREFERENCES EXTENSION ACT OF 2015

Ex. Ord. No. 13720, Feb. 26, 2016, 81 F.R. 11089, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Trade Preferences Extension Act of 2015 (the “Act”) (Public Law 114–27), and section 301 of title 3, United States Code, I hereby order as follows:

SECTION 1. *Authorities and Functions under the Act.* (a) Except as provided in subsections (b), (c), and (d) of this section, the authorities granted to and functions specifically assigned to the President under title I of the Act are delegated and assigned, respectively, to the United States Trade Representative (U.S. Trade Representative).

(b) The exercise of the following authorities of, and functions specifically assigned to the President under title I of the Act are not delegated or assigned under this order:

(i) section 104(c) of the Act;

(ii) sections 105(a) and (b) of the Act; and

(iii) sections 506A(d)(3)(B) and (d)(4)(C) of the Trade Act of 1974 (as amended by the Act).

(c) The functions of the President under section 13(c) of the AGOA Acceleration Act of 2004, as added by section 109 of the Act, are assigned to the Administrator of the United States Agency for International Development, in collaboration with the Secretary of Agriculture.

(d) The functions of the President under section 110(a) of the Act are assigned to the U.S. Trade Representative, in consultation with the Secretary of State.

SEC. 2. *Reducing Poverty and Eliminating Hunger.* The U.S. Trade Representative, with the advice and assistance of other executive departments and agencies involved in international programs to reduce poverty and eliminate hunger, shall perform the reporting function under section 701 of the Act.

SEC. 3. *General Provisions.* (a) In exercising authority delegated by or performing functions assigned in this order, officers of the United States:

(i) shall ensure that all actions taken by them are consistent with the President’s constitutional authority to (A) conduct the foreign affairs of the United States, including the commencement, conduct, and termination of negotiations with foreign countries and international organizations; (B) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive’s constitutional duties; (C) recommend for congressional consideration such measures as the President may judge necessary or expedient; and (D) supervise the executive branch; and

(ii) may redelegate authority delegated by this order and may further assign functions assigned by this order to officers of any other department or agency within the executive branch to the extent permitted by law, and such redelegation or further assignment shall be published in the Federal Register.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

§ 2466b. Termination of benefits for sub-Saharan African countries

In the case of a beneficiary sub-Saharan African country, as defined in section 2466a(c)¹ of this title, duty-free treatment provided under this subchapter shall remain in effect through September 30, 2025.

(Pub. L. 93–618, title V, §506B, as added Pub. L. 106–200, title I, §114, May 18, 2000, 114 Stat. 266; amended Pub. L. 108–274, §7(a)(1), July 13, 2004, 118 Stat. 823; Pub. L. 114–27, title I, §103(a), June 29, 2015, 129 Stat. 364.)

REFERENCES IN TEXT

Section 2466a(c) of this title, referred to in text, was redesignated section 2466a(e) of this title by Pub. L. 114–27, title I, §105(b), (c), June 29, 2015, 129 Stat. 366.

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2015—Pub. L. 114–27 substituted “September 30, 2025” for “September 30, 2015”.

2004—Pub. L. 108–274 substituted “2015” for “2008”.

§ 2467. Definitions

For purposes of this subchapter:

(1) Beneficiary developing country

The term “beneficiary developing country” means any country with respect to which there is in effect an Executive order or Presidential proclamation by the President designating such country as a beneficiary developing country for purposes of this subchapter.

(2) Country

The term “country” means any foreign country or territory, including any overseas

¹ See References in Text note below.

dependent territory or possession of a foreign country, or the Trust Territory of the Pacific Islands. In the case of an association of countries which is a free trade area or customs union, or which is contributing to comprehensive regional economic integration among its members through appropriate means, including, but not limited to, the reduction of duties, the President may by Executive order or Presidential proclamation provide that all members of such association other than members which are barred from designation under section 2462(b) of this title shall be treated as one country for purposes of this subchapter.

(3) Entered

The term “entered” means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(4) Internationally recognized worker rights

The term “internationally recognized worker rights” includes—

- (A) the right of association;
- (B) the right to organize and bargain collectively;
- (C) a prohibition on the use of any form of forced or compulsory labor;
- (D) a minimum age for the employment of children, and a prohibition on the worst forms of child labor, as defined in paragraph (6); and
- (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(5) Least-developed beneficiary developing country

The term “least-developed beneficiary developing country” means a beneficiary developing country that is designated as a least-developed beneficiary developing country under section 2462(a)(2) of this title.

(6) Worst forms of child labor

The term “worst forms of child labor” means—

- (A) all forms of slavery or practices similar to slavery, such as the sale or trafficking of children, debt bondage and serfdom, or forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- (B) the use, procuring, or offering of a child for prostitution, for the production of pornography or for pornographic purposes;
- (C) the use, procuring, or offering of a child for illicit activities in particular for the production and trafficking of drugs; and
- (D) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

The work referred to in subparagraph (D) shall be determined by the laws, regulations, or competent authority of the beneficiary developing country involved.

(Pub. L. 93-618, title V, §507, as added Pub. L. 104-188, title I, §1952(a), Aug. 20, 1996, 110 Stat. 1926; amended Pub. L. 106-200, title IV, §412(b), May 18, 2000, 114 Stat. 298; Pub. L. 107-210, div. D, title XLI, §4102(b), Aug. 6, 2002, 116 Stat. 1041.)

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2002—Par. (4)(D). Pub. L. 107-210 amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “a minimum age for the employment of children; and”.

2000—Par. (6). Pub. L. 106-200 added par. (6).

EFFECTIVE DATE

Section applicable to articles entered on or after Oct. 1, 1996, with provisions relating to retroactive application, see section 1953 of Pub. L. 104-188, set out as a note under section 2461 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SUBCHAPTER VI—GENERAL PROVISIONS

§ 2481. Definitions

For purposes of this chapter—

(1) The term “duty” includes the rate and form of any import duty, including but not limited to tariff-rate quotas.

(2) The term “other import restriction” includes a limitation, prohibition, charge, or exaction other than duty, imposed on importation or imposed for the regulation of importation. The term does not include any orderly marketing agreement.

(3) The term “ad valorem” includes ad valorem equivalent. Whenever any limitation on the amount by which or to which any rate of duty may be decreased or increased pursuant to a trade agreement is expressed in terms of an ad valorem percentage, the ad valorem amount taken into account for purposes of such limitation shall be determined by the President on the basis of the value of imports of the articles concerned during the most recent representative period.

(4) The term “ad valorem equivalent” means the ad valorem equivalent of a specific rate or, in the case of a combination of rates including a specific rate, the sum of the ad valorem equivalent of the specific rate and of the ad valorem rate. The ad valorem equivalent shall be determined by the President on the basis of the value of imports of the article concerned during the most recent representative period. In determining the value of imports, the President shall utilize, to the maximum extent practicable, the standards of valuation contained in section 1401a or 1402¹ of this title (as in effect before the effective date of the amendments made by title II of the Trade Agreements Act of 1979) or in section 1401a of this title (as in effect on the effective date of such title II amendments) whichever is applicable to the article concerned during such representative period.

(5) An imported article is “directly competitive with” a domestic article at an earlier or later stage of processing, and a domestic article is “directly competitive with” an imported article at an earlier or later stage of processing, if the importation of the article has an economic effect on producers of the domestic

¹ See References in Text note below.